| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/658,450 | 09/09/2003 | Richard Martin | 14189US02 | 4742 |

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MCANDREWS.HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

| EXAMINER |
|---|
| GOETZE, SIMON A |

| ART UNIT | PAPER NUMBER |
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| 2617 | |

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|---|---|
| 06/25/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/658,450 | MARTIN ET AL. |
| | Examiner | Art Unit | |
| | Simon A. Goetze | 2617 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on *13 April 2007*.

2a) ☒ This action is **FINAL**.    2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) *1-25* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *09 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

This Action is in response to Applicant's amendment filed April 13, 2007. **Claims 1-25**

are still pending in the application. **This action is made FINAL.**

### *Claim Objections*

The objections to **claims 12 and 19** have been withdrawn, as they have been corrected by

the filing of the instant amendment.

### *Response to Arguments*

Applicant's arguments filed on April 13, 2007 have been fully considered but they are not

persuasive.

The argued features (of independent claims 1, 9, and 17), i.e. a method and system which

determines a switch port with the capability to handle a group of access points and setting up the

port to provide communications for the group of access points, reads upon Gai et al. as modified

by Eglin as follows.

Gai et al. is discussing a method and a system for configuring computer networks. Gai et

al. discusses the selection of available ports on a network switch to which local area networks

(i.e. access point groups) are connected. Therefore disclosing the limitation of "determining at

least one available switch port having a capability to handle a first local area network, said first

local area network having a first default switch port." Gai et al. then discloses configuring the

port to be in the active state and provide communication to connected local area networks. Therefore disclosing the limitation of "provisioning said at least one available switch port to provide service to said first local area network." Additionally Gai et al. discloses that once the port is provisioned for communication, the connected network communicates via the port. Therefore disclosing the limitation of "communicating information using at least one of said first default switch port and said at least one provisioned switch port."

Gai et al. disclosed a method and a system for configuring switch ports to allow networks that were connected to perform communications, however, they failed to disclose that the connected networks were hybrid wired/wireless and was modified by Eglin to show that it would be obvious to one of ordinary skill in the art to modify Gai et al. to perform this type of network configuration on a wireless network. Eglin shows the use of wireless access points and the network is designed to reconfigure groups of access points to maintain seamless operation. Therefore disclosing "a hybrid wired/wireless local area network."

Regarding the combination of the references, Gai et al. and Eglin are in related art, and therefore they are combinable. They can be combined and used to teach the claimed invention of the Applicant. The motivation for combining comes from the background of Eglin.

As a result, the argued features are written in such a way that they read upon the cited references.

## *Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

1.      **Claims 1-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gai et al.**

**(US Patent 6,032,194)** in view of **Eglin (US Patent Application Publication 2004/0047320)**.

Consider **claim 1**, Gai et al. discloses a method for access point aggregation and

resiliency in a local area network *(Abstract; Column 5, Lines 16-19 and 35-53)*, the method

comprising:

determining at least one available switch port having a capability to handle a first local

area network *(Column 7, Lines 20-30; Column 10, Lines 49-67; Column 11, Lines 1-15)*, said

first local area network having a first default switch port *(Column 11, Lines 8-15 and 41-44)*;

provisioning said at least one available switch port to provide service to said first local

area network *(Column 10, Lines 1-12; Column 11, Lines 8-24 and 41-51; Column 12, Lines 19-*

*27)*; and

communicating information using at least one of said first default switch port and said at

least one provisioned switch port *(Column 11, Lines 8-24 and 41-51; Column 12, Lines 19-27*

*and 32-42)*.

However, Gai et al. discloses this network resiliency with port reconfiguration employed

over a wired local area network, containing a number of hosts or end stations which are not

described, connected to a switch, while failing to specifically disclose a hybrid wired/wireless

local area network.

In related prior art, Eglin discloses a network which employs reconfiguration to groups of

access points connected to a switch to implement connection resiliency. The network is arranged

as a hybrid wired/wireless local area network by providing the wireless access points 106, 108,

110, etc. shown in Figure 1 *(Page 2, Paragraphs 0036 and 0029; Page 3, Paragraphs 0030 and*

*0036)*.

It would have been obvious to a person having ordinary skill in the art at the time the

invention was made to incorporate the teachings of Eglin with those of Gai et al. in order to

employ connection protection in a wireless network which allows users to roam freely while

maintaining a connection.

Consider **claim 9**, Gai et al. discloses a machine-readable storage, having stored thereon a

computer program having at least one code section for access point aggregation and resiliency in

a local area network *(Abstract; Column 5, Lines 16-19 and 35-53)*, the at least one code section

executable by a machine for causing the machine to perform the steps comprising:

determining at least one available switch port having a capability to handle a first local

area network *(Column 7, Lines 20-30; Column 10, Lines 49-67; Column 11, Lines 1-15)*, said

first local area network having a first default switch port *(Column 11, Lines 8-15 and 41-44)*;

provisioning said at least one available switch port to provide service to said first local

area network *(Column 10, Lines 1-12; Column 11, Lines 8-24 and 41-51; Column 12, Lines 19-*

*27)*; and

communicating information using at least one of said first default switch port and said at

least one provisioned switch port *(Column 11, Lines 8-24 and 41-51; Column 12, Lines 19-27*

*and 32-42)*.

However, Gai et al. discloses this network resiliency with port reconfiguration employed over a wired local area network, containing a number of hosts or end stations which are not described, connected to a switch, while failing to specifically disclose a hybrid wired/wireless local area network.

In related prior art, Eglin discloses a network which employs reconfiguration to groups of access points connected to a switch to implement connection resiliency. The network is arranged as a hybrid wired/wireless local area network by providing the wireless access points 106, 108, 110, etc. shown in Figure 1 *(Page 2, Paragraphs 0036 and 0029; Page 3, Paragraphs 0030 and 0036)*.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Eglin with those of Gai et al. in order to employ connection protection in a wireless network which allows users to roam freely while maintaining a connection.

Consider **claim 17**, Gai et al. discloses a system for access point aggregation and resiliency in a local area network *(Abstract; Column 5, Lines 16-19 and 35-53)*, the system comprising:

at least one processor adapted to determine at least one available switch port having a capability to handle a first local area network *(Column 7, Lines 20-30; Column 10, Lines 49-67; Column 11, Lines 1-15)*, said first local area network having a first default switch port *(Column 11, Lines 8-15 and 41-44)*;

at least one processor adapted to provisioning said at least one available switch port to provide service to said first local area network *(Column 10, Lines 1-12; Column 11, Lines 8-24 and 41-51; Column 12, Lines 19-27)*; and

at least one processor adapted to communicate information using at least one of said first default switch port and said at least one provisioned switch port *(Column 11, Lines 8-24 and 41-51; Column 12, Lines 19-27 and 32-42)*.

However, Gai et al. discloses this network resiliency with port reconfiguration employed over a wired local area network, containing a number of hosts or end stations which are not described, connected to a switch, while failing to specifically disclose a hybrid wired/wireless local area network.

In related prior art, Eglin discloses a network which employs reconfiguration to groups of access points connected to a switch to implement connection resiliency. The network is arranged as a hybrid wired/wireless local area network by providing the wireless access points 106, 108, 110, etc. shown in Figure 1 *(Page 2, Paragraphs 0036 and 0029; Page 3, Paragraphs 0030 and 0036)*.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Eglin with those of Gai et al. in order to employ connection protection in a wireless network which allows users to roam freely while maintaining a connection.

Consider **claim 2**, as applied to claim 1 above, Gai et al. as modified by Eglin further discloses that the determining further comprises selecting said at least one available switch port

from a reserved pool of available switch ports *(Figure 3D – Column 11, Lines 41-52; Column 12, Lines 13-27 and 37-42 and 46-55)*.

Consider **claim 3**, as applied to claim 2 above, Gai et al. as modified by Eglin further discloses returning said selected at least one available switch port to said reserved pool of available switch ports upon abatement of a need to utilize said provisioned at least one available switch port *(Figure 3E – Column 14, Lines 37-48)*.

Consider **claim 4**, as applied to claim 1 above, Gai et al. as modified by Eglin further discloses selecting said at least one available switch port from at least one of a first switching element and a second switching element, said first default switch port being associated with said first switching element *(the different ports of the access switch are connected to different backbone switches, additionally some local area networks can communicate directly with more than one switch – Column 10, Lines 49-67; Column 11, Lines 1-7 and 8-24 and 41-51; Column 12, Lines 19-27)*.

Consider **claim 5**, as applied to claim 1 above, Gai et al. as modified by Eglin further discloses determining at least one a second available switch port having a capability to handle a second access point group, said second access point group having a second default switch port *(the same procedure is followed for each local area network connected to the switch for determining a transmission port - Column 7, Lines 20-30; Column 10, Lines 49-67; Column 11, Lines 1-15)*.

Consider **claim 6**, as applied to claim 5 above, Gai et al. as modified by Eglin further discloses provisioning at least a third available switch port to provide service to said second

access point group *(Column 10, Lines 1-12; Column 11, Lines 8-24 and 41-51; Column 12, Lines 19-27).*

Consider **claim 7**, as applied to claim 6 above, Gai et al. as modified by Eglin further discloses switching between any two of said at least one available switch port, said at least a second available switch port and said at least a third available switch port *(Column 11, Lines 8-24 and 41-51; Column 12, Lines 19-27 and 32-42).*

Consider **claim 8**, as applied to claim 1 above, Gai et al. as modified by Eglin further discloses switching between said default switch port and said at least one available switch port in a time period less than on the order of a few milliseconds from at least one of a detectable link failure and a configuration change *(change occurs at or about the same instant, and the connection is tested every few milliseconds – Column 12, Lines 4-12; Column 14, Lines 40-51).*

Consider **claim 10**, as applied to claim 9 above, Gai et al. as modified by Eglin further discloses code for selecting said at least one available switch port from a reserved pool of available switch ports *(Figure 3D – Column 11, Lines 41-52; Column 12, Lines 13-27 and 37-42 and 46-55).*

Consider **claim 11**, as applied to claim 10 above, Gai et al. as modified by Eglin further discloses code for returning said selected at least one available switch port to said reserved pool of available switch ports upon abatement of a need to utilize said provisioned at least one available switch port *(Figure 3E – Column 14, Lines 37-48).*

Consider **claim 12**, as applied to claim 9 above, Gai et al. as modified by Eglin further discloses code for selecting said at least one available switch port from at least one of a first switching element and a second switching element, said first default switch port being associated

with said first switching element *(the different ports of the access switch are connected to*

*different backbone switches, additionally some local area networks can communicate directly*

*with more than one switch – Column 10, Lines 49-67; Column 11, Lines 1-7 and 8-24 and 41-51;*

*Column 12, Lines 19-27).*

Consider **claim 13**, as applied to claim 9 above, Gai et al. as modified by Eglin further

discloses code for determining at least one a second available switch port having a capability to

handle a second access point group, said second access point group having a second default

switch port *(the same procedure is followed for each local area network connected to the switch*

*for determining a transmission port - Column 7, Lines 20-30; Column 10, Lines 49-67; Column*

*11, Lines 1-15).*

Consider **claim 14**, as applied to claim 13 above, Gai et al. as modified by Eglin further

discloses code for provisioning at least a third available switch port to provide service to said

second access point group *(Column 10, Lines 1-12; Column 11; Lines 8-24 and 41-51; Column*

*12, Lines 19-27).*

Consider **claim 15**, as applied to claim 14 above, Gai et al. as modified by Eglin further

discloses code for switching between any two of said at least one available switch port, said at

least a second available switch port and said at least a third available switch port *(Column 11,*

*Lines 8-24 and 41-51; Column 12, Lines 19-27 and 32-42).*

Consider **claim 16**, as applied to claim 9 above, Gai et al. as modified by Eglin further

discloses code for switching between said default switch port and said at least one available

switch port in a time period less than on the order of a few milliseconds from at least one of a

detectable link failure and a configuration change *(change occurs at or about the same instant,*

*and the connection is tested every few milliseconds – Column 12, Lines 4-12; Column 14, Lines 40-51).*

Consider **claim 18**, as applied to claim 17 above, Gai et al. as modified by Eglin further discloses that said at least one processor adapted to select said at least one available switch port from a reserved pool of available switch ports *(Figure 3D – Column 11, Lines 41-52; Column 12, Lines 13-27 and 37-42 and 46-55).*

Consider **claim 19**, as applied to claim 18 above, Gai et al. as modified by Eglin further discloses that said at least one processor adapted to return said selected at least one available switch port to said reserved pool of available switch ports upon abatement of a need to utilize said provisioned at least one available switch port *(Figure 3E – Column 14, Lines 37-48).*

Consider **claim 20**, as applied to claim 17 above, Gai et al. as modified by Eglin further discloses that said at least one processor adapted to select said at least one available switch port from at least one of a first switching element and a second switching element, said first default switch port being associated with said first switching element *(the different ports of the access switch are connected to different backbone switches, additionally some local area networks can communicate directly with more than one switch – Column 10, Lines 49-67; Column 11, Lines 1-7 and 8-24 and 41-51; Column 12, Lines 19-27).*

Consider **claim 21**, as applied to claim 17 above, Gai et al. as modified by Eglin further discloses that said at least one processor adapted to determine at least one a second available switch port having a capability to handle a second access point group, said second access point group having a second default switch port *(the same procedure is followed for each local area*

*network connected to the switch for determining a transmission port - Column 7, Lines 20-30;*

*Column 10, Lines 49-67; Column 11, Lines 1-15).*

Consider **claim 22**, as applied to claim 21 above, Gai et al. as modified by Eglin further

discloses that said at least one processor adapted to provision at least a third available switch port

to provide service to said second access point group *(Column 10, Lines 1-12; Column 11, Lines*

*8-24 and 41-51; Column 12, Lines 19-27).*

Consider **claim 23**, as applied to claim 22 above, Gai et al. as modified by Eglin further

discloses that said at least one processor adapted to switch between any two of said at least one

available switch port, said at least a second available switch port and said at least a third

available switch port *(Column 11, Lines 8-24 and 41-51; Column 12, Lines 19-27 and 32-42).*

Consider **claim 24**, as applied to claim 17 above, Gai et al. as modified by Eglin further

discloses that said at least one processor adapted to switch between said default switch port and

said at least one available switch port in a time period less than on the order of a few

milliseconds from at least one of a detectable link failure and a configuration change *(change*

*occurs at or about the same instant, and the connection is tested every few milliseconds –*

*Column 12, Lines 4-12; Column 14, Lines 40-51).*

Consider **claim 25**, as applied to claim 17 above, Gai et al. as modified by Elgin further

discloses that said at least one processor is at least one of a switch processor, a bandwidth

management controller, a quality of service controller, a load balancing controller, a session

controller, and a network management controller *(Column 10, Lines 1-12; Column 11, Lines 8-*

*24 and 41-51; Column 12, Lines 19-27).*

## *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

> Customer Service Window
> Randolph Building
> 401 Dulany Street
> Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the
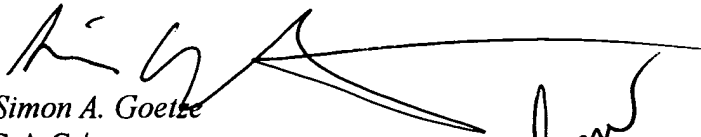
Examiner should be directed to Simon A. Goetze whose telephone number is (571) 270-1113.

The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm and
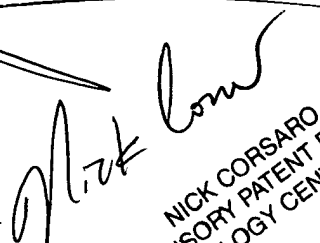
Friday from 7:30am to 4:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-

3028.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist/customer service whose telephone number is (571) 272-

2600.

Simon A. Goetze
S.A.G./sag

June 15, 2007

NICK CORSARO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600